

SECTION 6: EMPLOYEE RELATIONS

6-1. Purpose.

It is the County's objective to promote the well-being of its employees in the workplace and to maintain high standards of professional conduct, work performance and service to the public.

6-2. Applicability.

This policy applies to County employees who are, directly or indirectly, subject to the management and direction of the County Administrator. Employees who serve under the direction and control of a Constitutional Officer are subject to the separate policies established by those officers. Constitutional Officers are separately responsible for compliance with state laws referenced in this policy.

6-3. Employee Conflicts of Interests.

6-3-1. *State and Local Conflicts of Interests Act.* Virginia's Conflicts of Interests Act, located within Chapter 31 of Title 2.2 of the Code of Virginia, as amended, Section 2.2-3100 et seq., defines and prohibits inappropriate conflicts of interests. All county officers and employees should read and familiarize themselves with the provisions of this Act. Questions concerning the interpretation or application of specific provisions of the Act should be directed to the Office of the Commonwealth's Attorney or to the County Attorney. In general, the following conduct is prohibited, and no officer or employee of the County government shall:

- 6-3-1.1. Solicit or accept money, or any other thing of value, in return for services performed within the scope of his official duties;
- 6-3-1.2. Offer or accept money, or any other thing of value, in return for obtaining employment for any person, or the appointment or promotion of any person within the County government;
- 6-3-1.3. Offer or accept money, or any other thing of value, in return for the use of his public position to obtain a contract for any person or business with the County government;
- 6-3-1.4. Use for his own economic benefit or that of another party, any confidential information (i.e., information that is not available to the public) that he has acquired by reason of his public position.

- 6-3-1.5. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being offered in order to influence him in the performance of his official duties.
- 6-3-1.6. Accept compensation for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties;
- 6-3-1.7. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employer's official duties—under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor;
- 6-3-1.8. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain.
- 6-3-1.9. For purposes of the Conflicts of Interests Act, the term "gift" includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value in excess of fifty dollars (\$50.00). It also includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is actually used.
- 6-3-2. *Ethics in Public Contracting.* The Virginia Public Procurement Act contains provisions that supplement the requirements of the Conflicts of Interests Act, see Virginia Code Section 2.2-4367 et seq. In general:
 - 6-3-2.1. No public employee having official responsibility for a particular procurement transaction may participate in that transaction on behalf of the County, when:¹
 - 5-3-2.1.1. The employee is also employed by a bidder, offeror or contractor involved in the procurement transaction;
 - 5-3-2.1.2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor, or is employed in a capacity that involves substantial participation in the procurement transaction;

¹ 2.2-4369

5-3-2.1.3. The employee, the employee's partner, or any member of the employee's immediate family has a financial interest in the outcome of the procurement transaction; or

5-3-2.1.4. The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning prospective employment with a bidder, offeror or contractor.

6-3-3. No County employee having any responsibility for procurement transactions may accept employment with any bidder, offeror or contractor with whom he dealt in an official capacity, for a period of one (1) year from the date of separation of employment from the County, unless he provides written notification to the County Administrator prior to commencement of such employment.²

6-3-4. No County employee having official responsibility for a procurement transaction shall solicit, demand, accept or agree to accept from any bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services, or any other thing of more than nominal value (present or promised) unless consideration of substantially equal or greater value is exchanged.³

6-3-5. No person who, for compensation, prepares an invitation to bid or request for proposal for or on behalf of the County may (i) submit a bid or proposal for that procurement or any portion thereof or (ii) disclose to any bidder or offeror information concerning the procurement that is not available to the public. However, the Board of Supervisors may permit such person to submit a bid or proposal for that procurement or any portion thereof if the Board determines that the exclusion of the person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the public body.⁴

6-4. Use of County Computers and Other County Information Systems.

6-4-1. *"Information systems" defined:* The County's information systems consist of, but are not necessarily limited to, all County-owned or leased computer equipment, telephones, printers, copiers, cell/mobile phones, pagers, personal digital assistants, network devices, software, storage media, data, peripherals and accessories, et., as well as electronic media and services that the county provides, such as e-mail,

² 2.2-4370

³ 2.2-4371

⁴ 2.2-4373

voice mail, the Internet, an Intranet, electronic files, downloads, uploads, and wireless access devices.

- 6-4-2. The purpose of this policy is to protect the county from inappropriate use of its Information Systems, and from virus attacks, compromises of security, and legal and related issues.
- 6-4-3. Access to County Information Systems is restricted to appropriate individuals as authorized by the County “users”. Users shall follow general password creation and maintenance protocol, keeping passwords private, protected and maintained at all times. Electronic communications should be carried out with the same level of care, professional judgment and discretion as paper communications.
- 6-4-4. Installation or use of non-County hardware, such as personal computers, personal laptops, flash drives, wireless access points, etc. On the County network is prohibited.
- 6-4-5. County Information Systems shall not be used by users to access, create, transmit, print, download or upload material (including images or text) that is considered abusive, fraudulent, defamatory, obscene, indecent, or sexually oriented, or which may be construed as harassing, threatening, or discriminatory based on race, color, religion, sex, national origin, age or disability.
- 6-4-6. Users shall not assume that any electronic communications are private. The County reserves the right to monitor electronic communications in furtherance of the purposes of this policy. Monitoring, auditing and inspection by the County of any and all information systems may occur at any time, without notice, and without the user’s permission, in order to ensure compliance with this and other County policies and guidelines. Users shall have no expectation of privacy when using County information systems. Electronic records are considered public records and may be subject to disclosure under the Freedom of Information Act.
- 6-4-7. Use of the County’s Information Systems is a privilege made available to users to assist in the performance of their County duties or County business. Limited, occasional use for personal, non-business purposes may be acceptable, provided that it does not adversely affect the performance of the user’s County duties and does not negatively impact the information Systems’ resources, integrity or ability to appropriately conduct county business, and provided further that such use does not violate this policy, any other County rule, regulation or policy, or any federal, state or local law. However,

6-4-7.1. Unless necessary for conducting county business, users shall not access private, non-County e-mail accounts from County owned or leased equipment within the County's internal network.

6-4-7.2. Users should not access streaming services unless access to this content is in the interest of County business (including, but not limited to: viewing video clips, movie trailers, listening to web-based music, playing games, etc. from the internet).

6-4-8. Compliance with and enforcement of this policy is the responsibility of each department head. Violations of this policy or violations of related federal or state laws shall be reported immediately to department heads and to the County Administrator. Any employee found to have violated this policy or related policies may be subject to disciplinary action up to and including termination of employment. Violations of applicable federal or state laws may be considered a law enforcement matter subject to prosecution.

6-5. Privacy of Information.

6-5-1. The General Assembly has found that⁵:

6-5-1.1. An individual's privacy is directly affected by the extensive collection, maintenance, use and dissemination of personal information;

6-5-1.2. The increasing use of computers and sophisticated information technology has greatly magnified the harm that can occur from these practices;

6-5-1.3. An individual's opportunities to secure employment, insurance, credit, and his right to due process, and other legal protections, are endangered by the misuse of certain of these personal information systems.

6-5-2. To the extent allowed by the Virginia Freedom of Information Act, protection of the confidentiality of personal information of employees and members of the public is a requirement of every County official and employee. Each person who handles forms, reports and/or written or electronic information must treat such information as confidential.

6-5-2.1. Virginia Code Section 2.2-3801 defines "personal information" as any information that describes, locates or indexes anything about an individual; however, the definition specifically *excludes* (i) routine information maintained for

⁵ 2.2-3800 et seq.

the purpose of internal office administration, the use of which could not adversely affect the individual, and (ii) real estate assessment information.

- 6-5-3. Adequate measures should be taken to prevent others from gaining access to personal information, including, without limitation: locking computer screens, locking data in drawers, cabinets or offices; not removing data from the workplace; not saving data to flash drives, discs or computer hard drives; and shredding or other secure destruction of old data.
- 6-5-4. Intentional misuse of data for purposes other than those for which it was collected is prohibited, and shall be grounds for discipline of an employee, up to and including termination of employment.
- 6-5-5. In the performance of their job duties, County officials and employees shall conduct their record-keeping activities in accordance with the following principles:
 - 6-5-5.1. There shall be no personal information system whose existence is secret.
 - 6-5-5.2. Personal information shall not be collected unless the need for it has been clearly established in advance.
 - 6-5-5.3. Personal information collected shall be appropriate and relevant to the purpose for which it has been collected.
 - 6-5-5.4. Personal information shall not be obtained by fraudulent or unfair means.
 - 6-5-5.5. Personal information shall not be used unless it is accurate and current.
 - 6-5-5.6. Any individual shall be afforded the opportunity to learn the purpose for which information has been recorded and particulars about its use and dissemination.
- 6-5-6. Upon request, any individual shall be allowed to correct or amend, as appropriate and as may be allowed by law, any inaccurate, obsolete or irrelevant personal information about himself. The employee should submit his or her rebuttal in writing for inclusion within his personnel record. No purging, deletion or destruction of records shall be done, except with the approval of the Director of Finance and in accordance with applicable retention schedules of the Library of Virginia.
- 6-5-7. All requests for verification of employment will be handled centrally by the Finance Department. Neither the Finance Department nor any department head or supervisor shall release any employment or personal information (other than verification of employment, and dates of service) except in accordance with a specific written authorization

signed by the employee who is the subject of the request. A standard authorization form shall be obtained from the Department of Finance.

6-6. Personnel records.

- 6-6-1. The County's official central personnel records for all County employees are maintained in the Finance Department. It is the intention of the county to safeguard each employee's personal information, to the fullest extent allowed under the Virginia Freedom of Information Act.
- 6-6-2. Any employee shall have the right to review his or her own personnel record during normal working hours, by contacting the Finance Department and scheduling an appointment.
- 6-6-3. It is the responsibility of each employee to see that the Finance Department is notified of any changes in his personal information. Personal information (e.g., name, mailing address, telephone number, marital status, disability status, residency, name of emergency contact, etc.) shall be kept up-to-date at all times by each employee. If the employee fails to keep the personal information on file within the Finance Department up-to-date, any problems resulting from the County's use of outdated information are the responsibility of the employee.

6-7. Job practices.

6-7-1. *Secondary employment.*

- 6-7-1.1. Without prior written approval, no full-time employee shall engage in any other employment or work that affects, or that is likely to affect, the performance of his duties for the County.
 - 5-7-1.1.1. The maximum number of hours allowed for any secondary employment is 30 hours per week for full-time employees.
 - 5-7-1.1.2. When an employee is unable to perform fully his County job duties due to illness or injury, approval of any secondary employment is automatically rescinded until the employee is able to return to the full performance of his County duties.

6-7-2. *Political activity.*

- 6-7-2.1. Under the Hatch Political Activity Act, 5 U.S.C. Sections 1501 through 1508, officers and employees of a local government whose principal employment is in connection with an activity funded in whole or in part by loans or grants made by the United States or a federal agency are prohibited from using their influence to affect the result of an election,

attempting to coerce or advise another local government employee to make a political contribution, or being a candidate for public office in a partisan election.

- 6-7-2.2. The County does not prohibit any individual within its employment from participating in political activities while those employees are off duty, out of uniform and outside their workplace.
 - 5-7-2.2.1. For purposes of this section, the term "political activities" includes, but is not limited to: voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of, or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.
- 6-7-2.3. County officials and employees are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.
- 6-7-2.4. County officials and employees are prohibited are prohibited from discriminating in the provision of public services, or responding to requests for such services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.
- 6-7-2.5. County officials and employees are prohibited from suggesting or implying that the County government or

administration has officially endorsed a political party, candidate or campaign.

6-7-3. *Use of property and equipment.*

6-7-3.1. County property and equipment. County vehicles, machinery, uniforms, badges, equipment, materials, supplies and other items used by or assigned to a County employee in connection with the performance of his job duties are for official county business only. Any unauthorized or inappropriate usage is prohibited.

5-7-3.1.1. All such items are the sole property of the County of Madison and must be returned to the employee's immediate supervisor upon separation from employment or movement into another position.

5-7-3.1.2. Payment for unreturned vehicles, equipment, machinery, uniforms, badges, materials or supplies may be withheld from the employee's final paycheck if settlement is not resolved prior to the date of the final paycheck.

6-7-3.2. Employees' property and equipment. Employees shall perform their job duties utilizing equipment and materials provided by the County. Use of employees' own equipment and materials is discouraged. No employee shall utilize his own equipment, materials or supplies in the performance of County duties without advance written approval of his supervisor. At the time of approval, agreement must be reached as to the terms and conditions upon which such privately-owned equipment will be utilized in performance of County functions, including compensation, liability, maintenance, wear and tear, , etc.

6-7-4. *Payroll deductions.*

6-7-4.1. All payroll deductions must be approved by the County Administrator, and must meet one or more of the following requirements:

5-7-4.1.1. The deduction is mandatory under either state or federal law;

5-7-4.1.2. The deduction is for a county-sponsored benefits plan;

5-7-4.1.3. The deduction is to encourage employees to save funds or to assist employees in obtaining loans with a financial organization owned by, participated in by, and available to all County employees; or is to purchase U.S. Government Savings Bonds;

- 5-7-4.1.4. The deduction is to enable an employee to reimburse the county for expenses temporarily incurred by the County to the benefit of that employee, or due to overpayments of salaries, expenses, travel funds, etc.
- 5-7-4.1.5. The deduction is for the purpose of enabling an employee to defer or shelter income for taxation advantages through an approved County program;
- 5-7-4.1.6. The deduction is for the payment of delinquent Madison County taxes.
- 5-7-4.1.7. The deduction is to enable the County to recover the specific cost of vehicles, equipment, materials or supplies which have not been returned by an employee upon his separation from employment.

6-8. Performance.

- 6-8-1. Supervisors have the responsibility of setting up the performance criteria for each position they supervise. These criteria should be discussed with the employee upon the appointment to his position, and again at the beginning of each annual evaluation period.
- 6-8-2. *Probationary employees.* All new employees serving within a probationary period are considered to be in a “learning capacity.” During the probationary period, supervisors should take special notice of progress made in learning duties and responsibilities. If the supervisor determines that the probationary employee is not performing satisfactorily or not making good progress in his job duties, the employee may be discharged.
- 6-8-3. *Non-probationary employees.* Even with the required satisfactory probationary period behind them, some employees will occasionally fail to maintain acceptable standards of performance and behavior. If a supervisor determines that an employee is not performing satisfactorily, the employee may be placed on conditional status. The performance appraisal may also be extended with the expectation that satisfactory performance must again be realized if the employee desires to retain his position.
 - 6-8-3.1. Prior to dismissing a probationary employee, a department head shall notify the County Administrator of the proposed termination and the reason therefor.
 - 6-8-3.2. Unusual circumstances may occasionally exist to justify extension of an employee’s probationary period. Any such extension should only be considered when there is every expectation that the additional period will result in fully satisfactory or better performance. If an extension is to be

granted the department head must request approval for the extension from the County Administrator, stating the specific length of the extension and the reason(s) why the extension is justified.

- 6-8-4. It is suggested that, when an employee is having performance problems, the supervisor should alert him of such difficulties and discuss specific ways for improvement. This counseling/coaching is not considered disciplinary in nature, but merely a means to advise an employee of a performance problem so that it may be corrected.

6-9. Employee Discipline.

- 6-9-1. *Department head responsibility.* It is the responsibility of each supervisor to endeavor to maintain consistent, fair and high standards of discipline. Several acceptable disciplinary actions are described below, which can be used in a progressive manner depending on the nature and seriousness of a problem.

6-9-2. *Range of disciplinary actions.*

- 6-9-2.1. Verbal reprimand. A verbal reprimand consists of a face-to-face discussion between an employee and his supervisor, in which the supervisor notifies the employee of an offense and gives the employee verbal instructions as to how to correct his behavior and meet expectations from that date forward. The supervisor shall document the fact that a verbal reprimand has been delivered, the date of the reprimand, and a description of the offense or behavior that formed the basis of the reprimand.
- 6-9-2.2. Written reprimand. A written reprimand is a reprimand reduced to writing documenting the offense and recommending a disciplinary course of action. The written reprimand shall be presented to the employee in a face-to-face meeting and the employee shall be required to sign an acknowledgement of receipt of the reprimand. A copy of any written reprimand shall be sent to the Finance Director for inclusion in the employee's official personnel file.
- 6-9-2.3. Suspension. A disciplinary suspension is the removal of an employee from his job duties, without pay, for a determined period of time. Suspensions must be documented by a supervisor and approved by a department head. Written notice of a suspension, and the reason(s) therefor shall be given to the employee. A copy of the notice shall also be immediately delivered to the Finance Director, along with appropriate forms as deemed necessary by the Finance Director in order to make the necessary payroll and benefits adjustments.

- 5-9-2.3.1. The length of a suspension will depend on the seriousness of the offense. At the discretion of a department head, a suspension can be immediate or may be scheduled when it will be most effective. (For example, a Tuesday may have greater disciplinary effect than a Friday).
 - 5-9-2.3.2. Suspensions of more than 10 hours in a given pay period will result in the loss of the accumulation of sick and annual leave for that pay period. Other benefits will continue if sufficient income is received to cover deductions.
 - 5-9-2.3.3. Exempt employees may be suspended for less than one full work week only in certain situations (see Section 4, Compensation and Leave).
 - 5-9-2.3.4. An employee may be suspended without pay pending the outcome of an administrative investigation of the facts underlying the suspension. Where the employee is charged with a criminal act, the outcome of the criminal case will not necessarily affect the outcome of the administrative investigation or the employment status of the employee.
 - 5-9-2.3.5. In no case shall an employee be or remain suspended for a period in excess of one (1) year.
 - 5-9-2.3.6. Prior to suspending an employee for more than 10 hours in a pay period, a department head shall notify the County Administrator of the proposed suspension, and the reason(s) therefor.
 - 5-9-2.3.7. the County reserves the right to stop an employee's direct deposit under a disciplinary situation.
-
- 6-9-2.4. Reduction in pay. A reduction in pay may be imposed as a means of disciplinary action, meaning that an employee may be moved to a lower pay step within the same pay grade. Any such action must be approved in advance by the County Administrator. Written notice of a reduction in pay and the reason(s) therefor shall be given to the employee. A copy of the notice shall also be immediately delivered to the Finance Director, along with appropriate forms as deemed necessary by the Finance Director in order to make the necessary payroll and benefits adjustments.
 - 6-9-2.5. Demotion. An employee may be moved from one job classification to another with a lower pay grade, as a means of disciplinary action. A demotion must be approved in advance by the County Administrator. Written notice of a demotion and the reason(s) therefor shall be given to the

employee. A copy of the notice shall also be immediately delivered to the Finance Director, along with appropriate forms as deemed necessary by the Finance Director in order to make the necessary payroll and benefits adjustments. If a demotion is specified as temporary, the length of the demotion shall be stated in the written notice. If a demotion occurs solely due to the employee's less-than-satisfactory performance, as documented in an annual or special performance evaluation, then such demotion is not considered disciplinary in nature.

6-9-2.6. Termination of employment. Termination of employment is the most severe form of disciplinary action. Before terminating an employee a department head shall provide the employee with an explanation of the factual basis for termination, and shall afford the employee an opportunity to present his side of the story. Prior to terminating an employee, a department head shall notify and consult with the County Administrator. Examples of circumstances that may justify termination of employment include, but are not limited to, the following:

6-9-2.7. Miscellaneous.

5-9-2.7.1. A supervisor should consult with his Department head prior to disciplining an employee.

5-9-2.7.2. A Department head should contact the County Administrator in advance of any employee suspension or dismissal.

5-9-2.7.3. Written material relating to disciplinary matters will not be included in an employee's official file unless the employee is provided with a copy or otherwise is knowledgeable, or should be knowledgeable, of its existence.

6-9-2.8. [Reserved]

6-10. Drug and Alcohol Policy

6-10-1. *Purpose.* It is the goal of the County to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse, and to protect the safety of the public by providing the highest quality of service. It is the policy of the county that all County government worksites shall be maintained as a drug- and alcohol-free workplace.

6-10-2. *Prohibitions.*

- 6-10-2.1. The use of alcohol and illegal drugs, and the misuse of prescription drugs is prohibited in the County workplace.
- 6-10-2.2. The possession and/or consumption of alcohol and/or illegal drugs is prohibited in the County workplace.
- 6-10-2.3. No employee shall unlawfully manufacture, distribute, dispense, possess, or use, on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined by the Code of Federal Regulations (21 CFR 1300.11 through 1300.15).
- 6-10-2.4. Each employee shall notify his supervisor of his conviction of any criminal drug law no later than five (5) days after such conviction.
- 6-10-2.5. The County reserves the right to search all County workplaces, for purposes of maintaining a workplace free of drugs and alcohol.

6-10-3. *Testing upon reasonable suspicion.*

- 6-10-3.1. Drug tests and alcohol tests may be required of any employee which there is reasonable suspicion to believe that the County employee, regardless of position, is under the influence of illegal drugs or alcohol in the workplace or at any location while engaged in the performance of County duties.
- 6-10-3.2. A supervisor will make the decision to require a drug or alcohol test based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odors of the employee.
- 6-10-3.3. When a supervisor, in his judgment, has reason to believe that an employee has used or is under the influence of drugs or alcohol, the supervisor should ask another supervisor to corroborate his observations. The following examples, alone or in combination, may comprise “reasonable suspicion” (this list is intended to be illustrative, and is not all-inclusive):
 - 5-10-3.3.1. Unexplained inability to perform normal job functions.
 - 5-10-3.3.2. Slurred speech.
 - 5-10-3.3.3. Breath or clothing smelling of alcohol or drugs.
 - 5-10-3.3.4. Unusual lack of physical coordination or loss of equilibrium.
 - 5-10-3.3.5. Unexplained hyperactivity, depression or withdrawal.
 - 5-10-3.3.6. Unexplained inability to think or reason at the employee’s normal level.
 - 5-10-3.3.7. Unusual or bizarre behavior.

- 6-10-3.4. During normal working hours, upon a determination of reasonable suspicion, the supervisor shall contact the County administrator to discuss his observations and to determine the appropriate course of action. If the employee is to be tested, arrangements will be made with an appropriate collection center, and the employee will be transported to the testing site by the supervisor or his designee.
- 6-10-3.5. A supervisor shall prepare a written report of his observations leading to the determination of reasonable suspicion, within 24 hours of the observed behavior and, if practicable, before the results of the drug and/or alcohol test is released. All records shall be immediately sent to the Director of Finance for placement in the employee's personnel file. No copies of such records shall be maintained within the employee's department, or at any location other than within the employee's central personnel file.
 - 5-10-3.5.1. All testing information, and all records and information relating to any personnel actions involving an employee who is requested to submit to a drug or alcohol test, and the results thereof, shall be maintained as confidential and disseminated only to authorized individuals on a confirmed "need to know" basis as approved by the County Administrator.
 - 5-10-3.5.2. Any County employee who, without authorization, disseminates any such confidential information shall be subject to disciplinary action.
- 6-10-3.6. If an employee refuses to submit to a drug or alcohol test, then such refusal shall be deemed a positive result. The term "refusal" shall have the same meaning as set forth in 49 CFR Part 40, and includes, but is not limited to, leaving the testing site without prior notice acceptable to the County, and failure to complete and sign an authorization and consent form. The employee shall be immediately suspended from duty and promptly transported home, pending disciplinary action.
- 6-10-4. *Positive test results.*
 - 6-10-4.1. If the results of an employee's alcohol test indicate an alcohol concentration greater than .04, then the employee shall be immediately suspended from duty and promptly transported home, pending disciplinary action.
 - 6-10-4.2. When a confirmed positive test result for drugs has been confirmed through a verification process that allows the employee an opportunity to demonstrate that the test result is from a legally-prescribed medication or other ingestion (i.e., a "verified positive" test result), the employee shall be subject to disciplinary action.

6-10-5.[reserved]

6-11. [reserved]